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SERVICE DATE – DECEMBER 28, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 415X)

BNSF RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN CAVALIER COUNTY, ND

Decided: December 23, 2005

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 20.93-mile line of railroad between BNSF milepost 74.07 near Langdon and milepost 95.00 near Hannah, in Cavalier County, ND. Notice of the exemption was served and published in the Federal Register on May 21, 2004 (69 FR 29348). The exemption became effective on June 22, 2004. In the May 21, 2004 notice, the Board stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by May 21, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.¹

By decision served on April 25, 2005, the Board granted a request from BNSF extending until December 31, 2005, the time to consummate the abandonment and to file its notice of consummation. On December 21, 2005, BNSF filed a request to further extend, until July 1, 2006, the time to file its notice of consummation. BNSF states that winter weather conditions have hampered the ability to conduct salvage activities.

BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Therefore, the request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ By decision served on June 21, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to five environmental conditions. By decision served July 29, 2004, one other environmental condition was added. By decision served November 5, 2004, the historic preservation condition that was imposed in the June 21, 2004 decision was removed. The other conditions remain in effect.

It is ordered:

1. BNSF's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before July 1, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary